



December 3, 2005

Stuart Slotnick, Esq.
Buchanan Ingersoll PC
One Chase Manhattan Plaza 35th Floor
New York, New York 10014

Dear Mr. Slotnick:

On November 29, 2005, I inspected an apartment located on the seventh floor in the building located at 817 Fifth Avenue, Manhattan, New York. The purpose of this inspection was to ascertain what rooms have poor air quality, which may constitute health hazards and specify abatement where necessary. Previously, there had been flooding into the apartment.

In order to ascertain the apartment's general level of particulate contamination, I performed five air tests in the kitchen, master bathroom, master bedroom, livingroom and hallway in order to determine airborne contaminants. These tests are designed to use non-viable technology according to manufacturer's specifications. The value of non-viable testing is that the test measures active (viable) as well as non-viable spore. I also conducted the same air test outdoors as a control.

Compared with the outdoor air, the tests detected elevated levels of airborne mold in all rooms, mostly *Aspergillus/Penicillium* mold spore. In particular, the master bedroom and the kitchen contained *Stachybotrys* mold spore. (See the attached lab reports from SanAir Technologies.)

Stachybotrys is known to produce mycotoxins which are particularly toxic to humans. *Stachybotrys* does not compete well with more aggressive molds such as *Aspergillus*. *Stachybotrys* is considered a secondary metabolite. It requires continuously wet conditions over a long period of time in areas of high cellulose content - paper and wood. I believe that moisture contained in the sheetrock, wood and carpets is supporting the *Stachybotrys* contamination.

Some specialists consider the presence of any amount of *Stachybotrys* to be hazardous.

"Some fungi are considered by most experts to be unacceptable for indoor environments and require risk management and intervention, especially *Stachybotrys* and *Aspergillus versicolor*."

Dr. Eckardt Johanning, Fungal and Related Exposures, Albany, New York

Laurence B. Molloy, LLC

40 Fifth Avenue
New York, NY 10011
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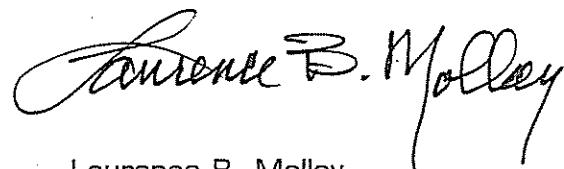
I also collected tape-lift samples from various locations and discovered mold growing on top of the existing sheetrock ceiling in the master bathroom. In addition, I collected a dust sample from the carpet in the hallway near the master bedroom. When incubated, the dust contained 216,000 colony-forming units of mostly infectious bacteria and 98,000 colony forming units of toxic Aspergillus mold. The carpets must be discarded.

Clearly, the apartment has not been abated sufficiently to permit clean air. I recommend additional demolition to remove sheetrock and carpeting in order to remove existing mold colonies from the premises. The work should be conducted by experienced mold abatement contractors which abide by the mold abatement guidelines from the New York City Department of Health.

In addition, the demolition so far has shredded asbestos material lining the master bathroom radiator. I collected a sample for analysis and the laboratory reported that the bathroom asbestos is 25% Chrysotile asbestos. However, the air test I conducted in the bathroom did not detect airborne asbestos. (See the attached laboratory report from KAM Consultants.) This material needs to be removed by a licensed asbestos abatement company prior to any further work in the apartment.

Please do not hesitate to call me for further information.

Sincerely,



Laurence B. Molloy
Bachelor of Architecture
American Industrial Hygiene Association
NY State Inspector
US EPA Risk Assessor
Mold University Certified
ASPREI Mold Assessor

NIOSH 582 Air Technician



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One Chase Manhattan Plaza 35th Floor
New York, New York
10014

FOR PROFESSIONAL SERVICES - 817 Fifth Avenue, Manhattan, New York

Indoor Air Quality Investigation

November 17, 2005.....\$400.00

Disbursements:

6 Air tests @ \$50ea.....	\$300.00
6 air cassettes @ \$10ea.....	\$ 60.00
4 Tape-lift tests @ \$50ea.....	\$200.00
1 Asbestos bulk test @ \$15ea.....	\$ 15.00
1 Asbestos air test @ \$25ea.....	\$ 25.00
2 Express Mail Deliveries.....	\$ 27.30

SubTotal.....\$ 627.30

Balance Due.....\$ 1,027.30

A 2% interest will be applied to all amounts past due 30 days.

Laurence B. Molloy, LLC

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KAN CONSULTANTS
 35-49 36th Street
 Long Island City
 New York, 11106
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BULK SAMPLE ANALYSIS REPORT

CLIENT: LAURENCE B. MOLLOY LLC

BUILDING ADDRESS: 817 Fifth Ave

PROJECT: WYNN

Client Sample ID# : 01

Lab Sample ID# : 051128A-2492

Sample Location: Motor Bathroom

Homogeneity: Yes

Sample Description: Radiator Insulation

Color: Gr

Texture: Mixed

Sample Treatment: None

Asbestos Present:
(Type & Percent) 25%CHR

Total Percent
Asbestos: 25%

Other Fibr. Mat.
(Type & Percent): 0%

Non Fibr. Mat.
(Percent): 75%

Date Received: 11/28/2005
 Date of Analysis: 11/28/2005
 Date of Report: 11/29/2005

Analyst:

Roody Louis
Roody Louis

Lab Director:

George Kouvaras
George Kouvaras

- * RL = 0.25%, RL = ND
- * All PLM-NOB samples with 1% asbestos or less are "Inconclusive".
- * TEM is the only method that can verify that an NOB is not an asbestos-containing material.
- * Sample Condition upon receipt: Acceptable
- * Analytical Quality Control Requirements were met for this set of samples.
- * Analysis of samples is performed by Polarized Light Microscopy (PLM) - Point Counting Method (EPA 600/M4-82-020) (ELAP 198.6)
- * Analytical equipment: Stereobinocular microscope (MEIJI EMT-Serial # 25930), Polarized Light Microscope (MEIJI ML-POL-Serial # 88034)
- * PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Quantitative transmission electron microscopy is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos-containing
- * Samples will be stored for ninety (90) days and then returned to the client upon request
- * The results relate only to the items calibrated or tested.
- * The certificate of report shall not be reproduced without the written approval of the laboratory.
- * The report must not be used by the client to claim endorsement by NVLAP or any agency of the US Government.

NYS-DOH ELAP # 11273

NAST-NVLAP # 102067

AIHA #: 100269

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Filed 05/23/2008

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KAM CONSULTANTS

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REPORT OF AIR MONITORING

PHASE CONTRAST MICROSCOPY ANALYSIS OF AIR FILTERS

TYPE OF RESPIRATORS: 1 = HALF FACE, 2 = PAPR, 3 = TYPE C, 4 = OTHER (SPECIFY)

TYPE OF WORK

1 = BLDG DECON, 2 = PLASTICING, 3 = GROSS REMOVAL,
6 = ENCAPSULATION, 7 = BAGOUT, 8 = OTHER (SPECIFY)

DATE RECEIVED: 11/28/05
DATE OF ANALYSIS: 11/28/05
DATE OF REPORT: 11/28/05

Last Director

CLIX: 020

CV RSD: 0.3%

CHIEF ANALYST: 0.0808

The samples listed above were analyzed by private laboratories participating in our QC program. The results relate only to the items certified or tested. The figures from samples that were not in the QA and QC program, or which were not analyzed by one of the laboratories participating in the QA and QC program, are not an assessment of the U.S. Government's quality control system.

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THE PINE MOUNTAIN CLOUD 1173

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